

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

**DONALD WAYNE PILKERTON**

**PLAINTIFF**

v.

**CASE NO.: 5:06CV00163-JMM/BD**

**DAVID WHITE, *et al.***

**DEFENDANTS**

**ORDER**

On June 26, 2006, Plaintiff filed a *pro se* Complaint (docket entry #2) under 42 U.S.C. § 1983 while he was incarcerated in the Arkansas Department of Correction. He was granted leave to proceed *in forma pauperis* by Order of August 7, 2006 (docket entry #4).

On December 5, 2006, Plaintiff provided the Court with notice of change of address and stated that he had been paroled from the Arkansas Department of Correction (docket entry #8). Due to his release from prison, the Plaintiff was ordered on March 9, 2007, to submit current information regarding his financial status in order for the Court to determine whether he remains eligible for *in forma pauperis* status. In the alternative, Plaintiff was ordered to pay the remaining \$338.93 balance of the filing fee (docket entry #12). Plaintiff was cautioned that failure to comply could result in the dismissal of his lawsuit. There is nothing in the record to indicate that the March 9, 2007 Order that was sent to Plaintiff's new address was undeliverable.

A response to the Court's March 9, 2007 Order was due on April 9, 2007, but the Plaintiff still has not provided either the required updated application or the balance of the

filin gfee. Accordingly, the Complaint is dismissed without prejudice, under Local Rule 5.5(c)(2) for failure to prosecute and failure to respond to the Court's Order of March 9, 2007.

IT IS SO ORDERED this 23 day of April, 2007.



James M. Mead  
UNITED STATES DISTRICT JUDGE